CLELAND, Mr. MCCAIN, Mr. HARKIN, Mr. KERRY, Mr. ROBB, Mr. REED, Mr. SMITH of New Hampshire, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 61. A resolution commending the Honorable J. Robert Kerrey, United States Senator from Nebraska, on the 30th anniversary of the events giving rise to his receiving the Medal of Honor; considered and agreed to.

By Mr. MACK (for himself, Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. AKAKA, Mrs. BOXER, Mr. CLELAND, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRASSLEY, Mr. GORTON, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROTH, Mr. SARBANES, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, and Mr. TORRICELLI):

S. Res. 62. A resolution proclaiming the month of January 1999 as ''National Cervical Health Month''; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. LOTT, Mr. DASCHLE, Mr. SCHUMER, Mrs. BOXER, Mrs. FEINSTEIN, Mr. LEAHY, Mr. JOHNSON, Mr. HELMS, and Mr. BUNNING):

S. Res. 63. A resolution recognizing and honoring Joe DiMaggio; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. WYDEN, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. DASCHLE, Mr. LEAHY, Mr. TORRICELLI, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. CHAFEE, Mr. CLELAND, Mr. DODD, Mr. DURBIN, Mr. HARKIN, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. WELLSTONE):

S. 622. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

THE HATE CRIMES PREVENTION ACT OF 1999

Mr. KENNEDY. Mr. President, it is a privilege to join Senator SPECTOR, Senator WYDEN, Senator SCHUMER, and Senator SMITH in introducing the Hate Crimes Prevention Act of 1999. This bill has the support of the Department of Justice, constitutional scholars, law enforcement officials, and many organizations with a long and distinguished history of involvement in combating hate crimes, including the Leadership Conference on Civil Rights, the Anti-Defamation League, the Human Rights Campaign, the National Gay and Lesbian Task Force, the National Organization for Women Legal Defense and Education Fund, the National Coalition Against Domestic Violence and The Consortium for Citizens with Disabilities Rights Task Force.

Congress has a responsibility to act this year to deal with the festering problem of hate crimes. The silence of Congress on this basic issue has been deafening, and it is unacceptable. We must stop acting like we don't care—that somehow this fundamental issue is just a state problem. It isn't. It's a national problem, and it's an outrage that Congress has been A.W.O.L.

Few crimes tear more deeply at the fabric of our society than hate crimes. These despicable acts injure the victim, the community, and the nation itself. The brutal murders in Texas, Wyoming, and most recently in Alabama have shocked the conscience of the nation. Sadly, these three crimes are only the tip of the hate crimes iceberg. We need to do more—much more—to combat them.

I'm convinced that if Congress acted today, and President Clinton signed our bill tomorrow, we'd have fewer hate crimes in all the days that follow.

Current federal laws are clearly inadequate. It's an embarrassment that we haven't already acted to close these glaring gaps in present law. For too long, the federal government has been forced to fight hate crimes with one hand tied behind its back.

Our bill does not undermine the role of the states in investigating and prosecuting hate crimes. States will continue to take the lead. But the full power of federal law should also be available to investigate, prosecute, and punish these crimes.

The Hate Crimes Prevention Act of 1999 addresses two serious deficiencies in the principal federal hate crimes statutes, 18 U.S.C. §245, which applies to hate crimes committed on the basis of race, color, religion, or national origin.

First, the statute requires the government to prove that the defendant committed an offense not only because of the victim's race, color, religion, or national origin, but also because of the victim's participation in one of six narrowly defined ''federally protected activities'' enumerated in the statute. These activities are: (A) enrolling in or attending a public school or public college; (B) participating in or enjoying a service, program, facility or activity provided or administered by any state or local government; (C) applying for or enjoying employment; (D) serving in a state court as a grand or petit juror; (E) traveling in or using a facility of interstate commerce; and (F) enjoying the goods or services of certain places of public accommodation.

Second, the statute provides no coverage for hate crimes based on the victim's sexual orientation, gender, or disability. Together, these limitations prevent the federal government from working with state and local law enforcement agencies in the investigation and prosecution of many of the most vicious hate crimes.

Our legislation amends 18 U.S.C. §245 to address each of these limitations. In cases involving racial, religious, or ethnic violence, the bill prohibits the intentional infliction of bodily injury without regard to the victim's participation in one of the six ''federally protected activities''. In cases involving hate crimes based on the victim's sexual orientation, gender, or disability, the bill prohibits the intentional infliction of bodily injury whenever the act has a nexus, as defined in the bill, to interstate commerce. These provisions will permit the federal government to work in partnership with state and local officials in the investigation and prosecution of hate crimes. I urge the Senate to act quickly on this important legislation, and I look forward to working with my colleagues to bring it to a vote. I ask unanimous consent that the bill and a more detailed description of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hate Crimes Prevention Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem;

(2) such violence disrupts the tranquility and safety of communities and is deeply divisive;

(3) existing Federal law is inadequate to address this problem;

(4) such violence affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity;

(5) perpetrators cross State lines to commit such violence;

(6) instrumentalities of interstate commerce are used to facilitate the commission of such violence;

(7) such violence is committed using articles that have traveled in interstate commerce;

(8) violence motivated by bias that is a relic of slavery can constitute badges and incidents of slavery;

(9) although many State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias, Federal jurisdiction over certain violent crimes motivated by bias is necessary to supplement State and local jurisdiction and ensure that justice is achieved in each case;

(10) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes; and

(11) the problem of hate crime is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 3. DEFINITION OF HATE CRIME.

In this Act, the term ''hate crime'' has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 4. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.

Section 245 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both if—

''(i) death results from the acts committed in violation of this paragraph; or

''(ii) the acts omitted in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2)(A) Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived religion, gender, sexual orientation, or disability of any person—

''(i) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both, if—

''(I) death results from the acts committed in violation of this paragraph; or

''(II) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) in connection with the offense, the defendant or the victim travels in interstate or foreign commerce, uses a facility or instrumentality of interstate or foreign commerce, or engages in any activity affecting interstate or foreign commerce; or

''(ii) the offense is in or affects interstate or foreign commerce.''.

SEC. 5. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. 6. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2000, 2001 and 2002 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 245 of title 18, United States Code (as amended by this Act).

SEC. 8. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SUMMARY OF THE HATE CRIMES PREVENTION ACT OF 1999

The Hate Crimes Prevention Act of 1999 creates a three-tiered system for the federal prosecution of hate crimes under 18 U.S.C. §245, as follows:

1. The bill leaves 18 U.S.C. §245(b)(2) unchanged. That provision prohibits the intentional interference, or attempted interference, with a person's participation in one of six specifically enumerated ''federally protected activities'' on the basis of the person's race, color, religion, or national origin. These activities are: (A) enrolling in or attending a public school or public college; (B) participating in or enjoying a service, program, facility or activity provided or administered by any state or local government; (C) applying for or enjoying employment; (D) serving in a state court as a grand or petit juror; (E) traveling in or using a facility of interstate commerce; and (F) enjoying the goods or services of certain places of public accommodation.

2. The bill adds a new provision, 18 U.S.C. §245(c)(1), which prohibits the intentional infliction of bodily injury on the basis of race, color, religion, or national origin. This new provision does not require a showing that the defendant committed the offense because of the victim's participation in a federally protected activity. However, an offense under the new 18 U.S.C. §245(c)(1) will be prosecuted as a felony only, and a showing of bodily injury or death or of an attempt to cause bodily injury or death through the use of fire, a firearm, or an explosive device is required. Other attempts will not constitute offenses under this section.

3. The bill adds another new provision, 18 U.S.C. §245(c)(2), which prohibits the intentional infliction of bodily injury or death (or an attempt to inflict bodily injury or death) through the use of fire, a firearm, or an explosive device on the basis of religion, gender, sexual orientation, or disability. Like 18 U.S.C. §245(c)(1), this provision authorizes the prosecution of felonies only, and excludes most attempts, while omitting the ''federally protected activity'' requirement. Unlike 18 U.S.C. §245(c)(1), this provision requires proof of a Commerce Clause nexus as an element of the offense.

4. For prosecutions under both of the new provisions, a certification by the Attorney General or other senior Justice Department official that ''a prosecution by the United States is in the public interest and necessary to secure substantial justice.''

FEDERALIZATION

It is expected that the Hate Crimes Prevention Act of 1999 will result in only a modest increase in the number of hate crimes prosecutions brought by the federal government. The intent is to ensure that the federal government will limit its prosecutions of hate crimes to cases that implicate the greatest federal interest and present a clear need for federal intervention. The Act is not intended, for example, to federalize all rapes or all acts of domestic violence.

The bill requires a nexus to interstate commerce for hate crimes based on sexual orientation, gender, or disability. This requirement, which the government must prove beyond a reasonable doubt as an element of the offense, will limit federal jurisdiction in these categories to cases that involve clear federal interests.

The bill excludes misdemeanors and limits federal hate crimes based on sexual orientation, gender, or disability to those involving bodily injury or death (and a limited set of attempts to cause bodily injury or death). These limitations will limit federal cases to truly serious offenses.

18 U.S.C. §245 already requires a written certification by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or a specially designated Assistant Attorney General that ''a prosecution by the United States is in the public interest and necessary to secure substantial justice.'' This requirement will apply to the new crimes in the Act.

EXISTING FEDERAL LAW AND THE NEED FOR EXPANDED JURISDICTION

1. The ''Federally Protected Activity'' requirement of 18 U.S.C. §245(b)(2)

18 U.S.C. §245(b)(2) has been the principal federal hate crimes statute for many years.

It prohibits the use of force, or threat of force, to injure, intimidate, or interfere with (or to attempt to injure, intimidate, or interfere with) ''any person because of his race, color, religion, or national origin'' and because of his participation in any of six ''federally protected activities'' specifically enumerated in the statute. The six enumerated ''federally protected activities'' are: (A) enrolling in or attending a public school or public college; (B) participating in or enjoying a service, program, facility or activity provided or administered by any state or local government; (C) applying for or enjoying employment; (D) serving in a state court as a grand or petit juror; (E) traveling in or using a facility of interstate commerce; and (F) enjoying the goods or services of certain places of public accommodation.

Federal jurisdiction exists under 18 U.S.C. §245(b)(2) only if a crime motivated by racial, ethnic, or religious hatred has been committed with the intent to interfere with the victim's participation in one or more of the six federally protected activities. Even in the most blatant cases of racial, ethnic, or religious violence, no federal jurisdiction exists under this section unless the federally protected activity requirement is satisfied. This requirement has limited the ability of federal law enforcement officials to work with state and local officials in the investigation and prosecution of many incidents of brutal, hate-motivated violence and has led to acquittals in several cases in which the Department of Justice has found a need to assert federal jurisdiction.

The most important benefit of concurrent state and federal criminal jurisdiction is the ability of state and federal law enforcement officials to work together as partners in the investigation and prosecution of serious hate crimes. When federal jurisdiction has existed in the limited contexts authorized by 18 U.S.C. §245(b)(2), the federal government's resources, forensic expertise, and experience in the identification and proof of hate-based motivations often have provided a valuable investigative assistance to local investigators. By working cooperatively, state and federal law enforcement officials have the best chance of bringing the perpetrators of hate crimes swiftly to justice.

The work of the National Church Arson Task Force is a useful precedent. Created in 1996 to address the rash of church arsons across the country, the Task Force's federal prosecutors and investigators from ATF and the FBI have collaborated with state and local officials in the investigation of every church arson since then. The results of these state-federal partnerships have been impressive. Thirty-four percent of the joint state-federal church arson investigations conducted by the Task Force resulted in arrests of one or more suspects on state or federal charges. This arrest rate is more than double the normal 16 percent arrest rate in all arson cases nationwide, most of which are investigated by local officials without federal assistance. More than 80 percent of the suspects in joint state-federal church arson investigations by the Task Force have been prosecuted in state court under state law.

2. Violent hate crimes based on sexual orientation, gender, or disability

Current federal law does not prohibit hate crimes based on the victim's sexual orientation, gender, or disability.

a. Sexual Orientation

Statistics gathered by the federal government and private organizations indicate that a significant number of hate crimes based on the sexual orientation of the victim are committed every year in the United States. Data collected by the FBI pursuant to the Hate Crimes Statistics Act indicate that 1,102 bias incidents based on the sexual orientation of the victim were reported to local law enforcement agencies in 1997; that 1,256 such incidents were reported in 1996; and 1,019 and 677 such incidents were reported in 1995 and 1994, respectively. The National Coalition of Anti-Violence Programs (NCAVP), a private organization that tracks bias incidents based on sexual orientation, reported 2,445 such incidents in 1997; 2,529 in 1996; 2,395 in 1995; and 2,064 in 1994.

Even the higher statistics reported by NCAVP may significantly understate the number of hate crimes based on sexual orientation actually committed in this country. Many victims of anti-lesbian and anti-gay incidents do not report the crimes to local law enforcement officials because they fear a hostile response or mistreatment. According to the NCAVP survey, 12% of those who reported hate crimes based on sexual orientation to the police in 1996 stated that the police response was verbally or physically abusive.

b. Gender

Although acts of violence committed against women traditionally have been viewed as ''personal attacks'' rather than as hate crimes, a significant number of women are exposed to terror, brutality, serious injury, and even death because of their gender. In the enactment of the Violence Against Women Act (VAWA) in 1994, Congress recognized that some violent assaults committed against women are bias crimes rather than mere ''random'' attacks. The Senate Report on VAWA, which created a federal civil cause of action for victims of gender-based hate crimes, stated: ''The Violence Against Women Act aims to consider gender-motivated bias crimes as seriously as other bias crimes. Whether the attack is motivated by racial bias, ethnic bias, or gender bias, the results are often the same. The victims are reduced to symbols of hatred; they are chosen not because of who they are as individuals but because of their class status. The violence not only wounds physically, it degrades and terrorizes, instilling fear and inhibiting the lives of all those similarly situated. 'Placing this violence in the context of the civil rights laws recognizes it for what it is—a hate crime.'' Senate Repot No. 103–138 (1993) (quoting testimony of Prof. Burt Neuborne.)

The majority of states do not specifically prohibit gender-based hate crimes. All 50 states have statutes prohibiting rape and other crimes typically committed against women, but only 17 states have hate crimes statutes that include gender among the categories of prohibited bias motives.

The federal government should have jurisdiction to work with state and local law enforcement officials in the investigation of violent gender-based hate crimes and, where appropriate in rare circumstances, to bring federal prosecutions to vindicate the strong federal interest in combating the serious gender-based hate crimes of violence.

Enactment of the Hate Crimes Prevention Act will not result in the federalization of all rapes, other sexual assaults, or acts of domestic violence. The intent is to ensure that the federal government's investigations and prosecutions of gender-based hate crimes will be strictly limited to the most flagrant cases.

c. Disability

Congress has shown a consistent commitment over the past decade to the protection of persons with disabilities from discrimination. In amendments to the Fair Housing Act in 1988, and the Americans With Disabilities Act in 1990, Congress extended protections to persons with disabilities in many traditional civil rights contexts.

The Hate Crimes Prevention Act is a measured response to a critical problem facing the Nation. It will make the federal government a full partner in the battle against hate crimes. In recognition of State and local efforts, the Act also provides grants to states and local governments to combat hate crimes, including programs to train local law enforcement officers in investigating, prosecuting and preventing hate crimes.

● Mr. WYDEN. Mr. President, the legislation I am proud to be a principal cosponsor of again today is a referendum on whether Congress will tolerate acts born out of prejudice. Every hate-filled attack, whether the target is a young gay man in Alabama or Wyoming or an African American man in Jasper, Texas, is an attack on all Americans. We must not allow such acts to stain our national greatness.

Our nation is committed to the ideal that all men and women are created equal, and protected equally in the eyes of the law. But some people aren't getting the message. It is high time to drive that message home.

The 1999 Hate Crimes Prevention Act will put bigots and racists on notice: hate and bigotry will not be tolerated in America.

This bill will close the loopholes in the current hate crimes laws. Right now, there's a patchwork of hate crimes laws in states across the country. This bill will provide a unified, Federal approach in how to deal with these despicable crimes.

It puts an end to the double standard where Federal authorities can help states and localities prosecute crimes motivated by ethnicity, religion, race, and color, but not those motivated by gender, disability, or sexual orientation. This bill would finally extend federal hate crime laws to cover attacks against women, gays and lesbians, people with disabilities.

It also removes the current straightjacket on local law enforcement seeking Federal help to prosecute hate crimes. Current law targets hate crimes that are committed against victims who are performing a federally protected act, like voting, or eating in a restaurant. But a hate crime is a hate crime, regardless of what the victims are doing when they're attacked.

With this legislation, we could prosecute under Federal law the thugs who murdered James Byrd, Matthew Shepard, and Billy Jack Gaither, as well as other victims.

No one is suggesting that the Federal government should override local law enforcement authorities. This bill will complement, not supplant, the work of local law enforcement in investigating and prosecuting hate crimes. It gives these local authorities more tools in prosecuting these crimes. If they need assistance in prosecuting a hate crime, then Federal authorities would be available to assist them—to make sure that justice is served.

Of course, no legislation can ever make up for the loss of any victim of a hate crime. But we can honor their memories by doing our best to make

sure that crimes like these never happen again.●

Mr. LEAHY. Mr. President, I again urge prompt consideration and passage of Hate Crimes Prevention Act. I cosponsored this measure in the last Congress and do so again this year. This bill would amend the federal hate crimes statute to make it easier for federal law enforcement officials to investigate and prosecute cases of racial and religious violence. It would also focus the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual preference, gender, or disability.

As the Ranking Member of the Judiciary Committee, I look forward to working on hearings next month on this important initiative. Violent crime motivated by prejudice demands attention from all of us. It is not a new problem, but recent incidents of hate crimes have shocked the American conscience. The beating death of Matthew Shepard in Wyoming was one of those crimes; the dragging death of James Byrd in Texas was another. The recent murder of Billy Jack Gaither in Alabama appears to be yet another. These are sensational crimes, the ones that focus public attention. But there is a toll we are paying each year in other hate crimes that find less notoriety, but with no less suffering for the victims and their families.

It remains painfully clear that we as a nation still have serious work to do in protecting all Americans and ensuring equal rights for all our citizens. The answer to hate and bigotry must ultimately be found in increased respect and tolerance. But strengthening our federal hate crimes legislation is a step in the right direction. Bigotry and hatred are corrosive elements in any society, but especially in a country as diverse and open as ours. We need to make clear that a bigoted attack on one or some of us diminishes each of us, and it diminishes our nation. As a nation, we must say loudly and clearly that we will defend ourselves against such violence.

All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to protect the civil rights of all of our citizens for more than 100 years. This continues that great and honorable tradition.

Several of us come to this issue with backgrounds in local law enforcement. We support local law enforcement and work for initiatives that assist law enforcement. It is in that vein that I support the Hate Crimes Prevention Act, which has received strong bipartisan support from state and local law enforcement organizations across the country.

When the Committee takes up the issue of hate crimes next month, one of the questions that must be addressed is whether the bill as drafted is sufficiently respectful of state and local law enforcement interests. I welcome such questions and believe that Congress should think carefully before federalizing prohibitions that already exist at the state level.

To my mind, there is nothing questionable about the notion that hate crimes warrant federal attention. As evidenced by the national outrage at the Byrd, Shepard, and Gaither murders, hate crimes have a broader and more injurious impact on our national society than ordinary street crimes. The 1991 murder in the Crown Heights section of Brooklyn, New York, of an Hasidic Jew, Yankel Rosenbaum, by a youth later tried federally for violation of the hate crime law, showed that hate crimes may lead to civil unrest and even riots. This heightens the federal interest in such cases, warranting enhanced federal penalties, particularly if the state declines the case or does not adequately investigate or prosecute it.

Beyond this, hate crimes may be committed by multiple offenders who belong to hate groups that operate across state lines. Criminal activity with substantial multi-state or international aspects raises federal interests and warrants federal enforcement attention.

Current law already provides some measure of protection against excessive federalization by requiring the Attorney General to certify all prosecutions under the hate crimes statute as being ''in the public interest and necessary to secure substantial justice.'' We should be confident that this provision is sufficient to ensure restraint at the federal level under the broader hate crimes legislation that we introduce today. I look forward to examining that issue and considering ways to guard against unwarranted federal intrusions under this legislation. In the end, we should work on a bipartisan basis to ensure that the Hate Crimes Prevention Act operates as intended, strengthening federal jurisdiction over hate crimes as a back-up, but not a substitute, for state and local law enforcement.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 623. A bill to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Environment and Public Works.

DAKOTA WATER RESOURCES ACT OF 1999

Mr. CONRAD. I rise today to introduce the Dakota Water Resources Act of 1999, as cosponsored by my colleague, Senator DORGAN. Our colleague, Congressman POMEROY, is introducing identical legislation in the House of Representatives today.

Mr. President, the Dakota Water Resources Act represents a fiscally responsible, environmentally sound, treaty-compliant approach to completing the Garrison project. The U.S. Senate is well aware of the history of failed promises on water development projects on the Missouri River. The 1944 Flood Control Act authorized six main-stem dams along the Missouri River. These structures flooded about 550,000 acres of land in North Dakota. These were prime agricultural lands that were flooded. We were promised that we would get certain things in return for the loss of these lands. We were promised that we would get a major water project for the State of North Dakota. Unfortunately, only part of that promise has been kept.

You can see here the kinds of things that have happened. This is the town of Elbowoods, July 7, 1954. This town is now under water. It is not the only town that is under water. Town after town along the Missouri was flooded in order to give protection to downstream States, to remove from them the flood threat that so long had devastated them economically.

We accepted the permanent flood, a flood that came and has never gone. That flood has cost our State tremendously. All we are asking is that the promise that was made to us in exchange for flooding these 550,000 acres now be kept.

Mr. President, the Dakota Water Resources Act would assure North Dakota an adequate supply of quality water for municipal, rural, and industrial purposes. In fact, without these amendments, many communities in North Dakota will be forced to be without clean and reliable water supplies.

I think you can see these two jars. This is water that is delivered to rural North Dakotans via a pipeline. It is clean. It is healthy. It is wholesome.

This is the typical water supply for rural North Dakotans. It looks like coffee or dark tea. This is actually what comes out when you turn on your spigot in the homes of many of the people in rural North Dakota. This is like living in the Third World. I tell my colleagues, there is nothing quite like getting ready to step into a bathtub of water when it looks like this; even worse, to have your child getting ready to step into a bathtub of water that looks like this. This is absolutely at the heart of what we are trying to accomplish with the Dakota Water Resources Act, to provide clean, healthy supplies of water to our population.

Mr. President, water development is essential for economic development, agriculture, recreation and improving the environment. The legislation that we are offering today will provide an adequate and dependable water supply throughout North Dakota, including communities in the Red River Valley.

This picture shows what we have faced in the past. This is 1910. This is the Red River, the famous Red River of the North. You could have walked

across this river. You can see, at that point it was nothing more than a few puddles. It had virtually dried up. Now, since that time we have had major cities spring up, and we can't face a circumstance in which those towns would be high and dry. Fargo, ND—I think many people have heard of Fargo, ND—Grand Forks, ND; they are on the Red River. They depend, for their water supplies, on the Red River. Yet periodically in history the Red River all but dries up. We need to make certain that there is ample supplies of water so that we aren't facing that circumstance.

The bill that we are offering today is addressing the current water needs of our State. Those needs are significantly different than what we faced in 1944.

Let me briefly summarize the bill. It provides $300 million for statewide MR&I projects. It provides $200 million for tribal MR&I projects—in many cases, the water conditions on our reservations are even worse than the ones that I have shown that pertain in much of rural North Dakota—$200 million to deliver water to the Red River Valley to make certain that those towns and cities have reliable and adequate supplies of water; $40 million to replace the dangerous Four Bears Bridge that was required because of flooding that occurred, a bridge was built—that bridge is now badly out of date and dangerous—$25 million for a natural resources trust fund; $6.5 million for recreation projects; and an understanding that the State pays for the project facilities that it uses. We think that is a fundamental principle that ought to be recognized.

Those are the key elements of the bill that we are offering. Let me say, this bill is friendly to taxpayers as well, because our bill, while proposing $770 million of new authority to complete the project, deauthorizes many parts of the project that were previously authorized. The total project cost of the Dakota Water Resources Act would be roughly $1.5 billion, nearly $500 million less than the current cost of constructing the remainder of the 1986 project that is already authorized. In other words, we are trading in parts of the project that no longer make the most sense in exchange for new elements which do make sense, and we are doing it in a way that is cost-effective for the taxpayers, reducing the overall bill by $500 million.

Now, there are some, representing certain national environmental organizations that will remain unnamed here, who have said that this is nearly a billion dollars of new spending. They aren't telling the truth. That is not the truth. We are reducing the spending by deauthorizing certain features previously authorized in exchange for new ones, less costly ones that make sense in light of contemporary needs.

Mr. President, North Dakota has been waiting a long time, a long time for the promise to be kept to our State. It is desperately needed.

Mr. President, this legislation represents a fiscally responsible, environmentally sound, treaty-compliant approach to completing the Garrison Project that was promised in North Dakota. I look forward to continuing to work with Members of this body and the other body and the administration to advance this legislation.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am happy to join my colleague, Senator CONRAD, on the introduction of the Dakota Water Resources Act of 1999. We have previously introduced similar legislation.

We worked on this legislation with the Governor of North Dakota, as well as the bi-partisan leadership in the State legislature in North Dakota, Tribal leaders, and many others. Republicans and Democrats together developed a piece of legislation that we think is not only good for our State and important for the State's long-term future, but which also completes the promise that was given our State many, many years ago.

I will not talk about the specific provisions of the bill in a way that will duplicate information which has already been provided, but let me again describe the story, just for a moment. People say, Water projects—this is some kind of proposal to enrich your region of the country. Well, there is more to the story.

In the 1940s, we had a wild Missouri River that would periodically flood in a very significant way, and in the downstream reaches of the river, Kansas City, MO, and elsewhere, areas would have massive spring flooding. The Federal Government said, Let's put some main stem dams on the Missouri River in order to control that flooding. As we put these dams on that river, we will also be able to generate electricity from those dams, so we will prevent flooding and provide electrical benefits. It will be a wonderful opportunity.

North Dakota, your deal in this is to accept a flood that comes and stays every year. You take a half-million-acre flood that comes to your State and stays there forever. If you are willing to play host to a flood forever, we will make you a deal. We know it is not in your interest to say, please, bring us a permanent flood, so if you do that, we will make you a deal. Accept a flood—the size of the State of Rhode Island, by the way—and when that flood comes, you can take the water from behind the reservoir and move it around your State for water development and quality purposes.

That was the original Garrison proposal. Now, that promise, that commitment has not been kept. The flood came; that part of the bargain has been kept. But we have not received the full flower of benefits that we would expect as a result of the Federal commitment. For that reason, we continue to insist that if your word is your bond and the Federal Government said take this flood and we will provide these benefits for your State, and we need these benefits for our State to be able to move good quality water around our State, for that reason we feel compelled to say to the Federal Government, finish the job.

That is what this legislation is about. It is not, as some environmental organizations insist, some new billion-dollar project. It is not that at all. In fact, what we are doing will, in a minor way, reduce the authorized project that already exists as a result of the 1965 authorization and the 1986 authorization. This bill makes the final adjustments to this project.

I have a series of charts which I will not go through, recognizing that the folks who are in charge of the timing of this institution want to go to lunch. Let me come back at a more appropriate time and go through all of my charts in great detail for the benefit of everyone.

I will only say in closing that my colleague and I feel that this is a very important project and a bipartisan piece of legislation that will be good for this country, allow our country to keep its promise and will especially be a good investment for North Dakota. My prepared remarks on the Dakota Water Resources Act will explain these points in greater detail.

Mr. President, the new bill has been substantially modified in the form of a substitute amendment (No. 3112) which we introduced on July 9, 1998. This revised bill represents a bi-partisan consensus carefully negotiated by the major elected officials in our State.

It's a water development bill that I am proud to sponsor. It reduces Federal costs, meets environmental and international obligations, and fulfills the Federal promise to address North Dakota's contemporary water needs.

This is still among the most important pieces of legislation I will introduce for my State. I emphasize once more that this is because the key to North Dakota's economic development is water resource management and development. And the key to water development in my State has come to be the Garrison Diversion Project in the Dakota Water Resources Act of 1999.

I want to share with my colleagues in greater detail the frustrating story of an unfulfilled promise to build a water project because some have questioned the rationale for the project. I want to explain why the people of North Dakota need and expect to have this promise fulfilled in the form of the Dakota Water Resources Act.

Over 100 years ago, John Wesley Powell of the U.S. Geological Survey predicted to the North Dakota Constitutional Convention that the lean years in agriculture would cause ''thousands of people . . . (to) become discouraged and leave.'' He was referring to the difficulty of making a living on farms and ranches in a state with abundant water but limited rainfall.

Unfortunately, Powell's prediction is as telling today as it was in the last century. Thousands of North Dakotans are leaving the State for economic opportunities in cities such as Denver and Minneapolis. Due to this substantial out-migration only 7 North Dakota counties, or less than one in seven, had population increases in the past decade. What perhaps worries me even more is the fact that our farm youth population has declined by 50% in both of the last two decades. In other words, out-migration is pummeling our State's well-being and threatening our economic future.

I would say to my colleagues that the root of the North Dakota's problem is two-fold. One, we need to diversify our agricultural base so that family farmers can make a more dependable living. This requires access to water for the growth and processing of specialty crops to replace or augment the usual grains that North Dakota farmers have grown for decades. Second, we must provide reliable supplies of clean, affordable water needed for economic growth in towns and cities across North Dakota. Too many of them now lack dependable water supplies for municipal and industrial growth.

What we need, then, is water development. And we thought we would get it!

Over fifty years ago, the Federal Government began building a series of main stem dams on the Missouri River to provide flood protection, dependable river navigation and inexpensive hydropower—primarily for the benefit of states in the Lower Missouri Basin. The problem became acute when flooding during World War II disrupted the transport of war supplies and spawned disaster relief needs in a budget already over-stretched.

When North Dakota allowed the Garrison Dam and Reservoir to be built in the State (and the consequences of the Oahe Reservoir in South Dakota are added in), it agreed to host permanent floods that inundated 500,000 acres of prime farm land and the Indian communities on two reservations. The State and Tribes did so in exchange for a promise that the Federal Government would replace the loss of these economic and social assets with a major water development project, the Garrison Diversion Unit.

But 50 years later, the project is less than half done.

I would like to explain for the benefit of my colleagues just how this bill relates to the Federal commitment to my State, what progress has been made on that commitment, what remains to be done, and how this bill will complete the project in a prudent way.

May I remind my colleagues that the State lost a half million acres of prime farm land, a major component of its overall economic base. To grasp the size of this negative impact, I ask my colleagues to think of flooding a chunk of farm land the size of Rhode Island. As a result, North Dakota has lost hundreds of millions of dollars in farm income. Think, too, of Indian Tribes that lost their traditional homelands, their economic and social base, hospitals and roads, and a healthy lifestyle. Their lives were disrupted and their culture was turned upside down.

We were promised, in exchange, a major water and irrigation project. It was designed to help meet the agricultural needs of a semi-arid state that gets only 15–17 inches of rainfall per year. We originally expected the resources to irrigate over a million acres of land, most of it in areas less productive than the land lost to the Garrison Reservoir. The Federal Government eventually started a scaled-down version of the project, with 250,000 acres of irrigation. In response to criticisms that the project was too costly and too environmentally disruptive, a federal commission proposed a major revision in 1984 and made recommendations on how to meet the State's contemporary water needs.

But make no mistake, the promise remained. The Garrison Diversion Unit Commission stated:

1. The State of North Dakota deserves a federally-funded water project, at least some of which should be in the form of irrigation development, for land lost through inundation by reservoirs of the Pick-Sloan Missouri Basin Program.

2. The Commission agrees with Congress that a moral commitment was made in 1944 to the Upper Basin States and Indian Tribes with the passage of the Flood Control Act of 1944. The language of the statute establishing this commission reinforces this view. The State of North Dakota sacrificed hundreds of thousands of acres, much of it prime river bottomland, for the greater benefit of the nation. In return, the Federal Government promised assistance in replacement of the economic base of the State and Indian Tribes. There is evidence this has not taken place.

In 1986, I renegotiated the project with the Reagan Administration, the House Interior Committee, and national environmental groups and these talks resulted in the Garrison Diversion Reformulation Act of 1986. The law implemented the Garrison Commission findings and recommendations and included a 130,000 acre irrigation project for the State and tribes, the promise of Missouri River water to augment water supplies in the Red River Valley, an installment on municipal, industrial, and rural (MR&I) water for communities across the State, the initial water systems for the Standing Rock, Fort Berthold, and Ft. Totten Indian reservations and a range of activities to mitigate and enhance wildlife and habitat.

So you may ask, ''What progress has been made on the project?''

Although the promise of irrigation remains largely unfulfilled—with the exception of the Oakes Test Area—we have made substantial progress in laying the groundwork for water delivery and the provision of a partial network for MR&I supplies across the state.

Over one-third of North Dakotans now benefit from 25 MRI programs on four Indian reservations and in some 80 communities.

The Southwest Pipeline constructed by the Bureau of Reclamation has begun to solve water problems in the region where I grew up. For example, in my hometown of Regent the ranching family of Michelle McCormack used to struggle with coffee-colored water that stained their fixtures and clogged their distiller with sludge. Their well barely provided enough water for a family of six, let alone a herd of cattle. Because of the Garrison Project, the McCormacks can now enjoy ample supplies of quality, clean water—something most of us take for granted. And they can make a better living to boot.

We have also taken great strides to mitigate wildlife areas impacted by the development of the McClusky and New Rockford Canals. We now have mitigated over 200% of the required lands, developed a Wetlands Trust Fund and programs, and begun to manage the former Lonetree Dam and Reservoir as a state wildlife conservation area. Incidentally, our new legislation would complete the process by de-authorizing the Lonetree features and converting them into a wildlife conservation area.

For a variety of reasons, though, we have not fully realized the promise of the 1986 Act. Despite some strides, we have yet to develop a major irrigation unit under the Garrison Diversion project. We have only been able to develop a pilot research plot near Oakes, which has validated the use of irrigation for growing high value crops in North Dakota. Under terms of the 1986 Act, we would have 130,000 acres of irrigation, which will be scaled back to 70,000 acres in the bill we introduce today. This will reduce project costs and target limited funds in the bill on high priority irrigation and MR&I water development.

We have completed Phase 1 of Municipal, Rural and Industrial development for three Indian tribes. There remains well over $200 million in needs to complete projects on all four reservations which will meet the charge of the Garrison Reformulation Act for the Secretary of the Interior ''to meet the economic, public health, and environmental needs'' of North Dakota tribes. From hearings I have held on the reservations, I can tell you that tribal members have some the worst water problems in the nation and we must fulfill the 1986 mandate. Our new legislation will provide $200 million to meet the critical water needs of North Dakota's four Indian nations.

We have developed major elements of a water delivery system for the Red River Valley. But the Bureau of Reclamation is currently reviewing that issue with the State of North Dakota to determine the best way to meet the needs of Fargo, Grand Forks, and other communities throughout the Red River Valley.

Let me illustrate the severity of the problem for the valley by noting that in many years in this century, the Red River either has slowed to a trickle or

stopped running altogether. Imagine a major city that depends on a river for its municipal and industrial water supply and that river stops running. That is why our bill provides $200 million to meet the critical water needs the most populous part of our state. But let me add that this money will be fully repaid by water users.

Finally, we have dozens of communities awaiting the promise of reliable supplies of clean and usable water. In several hearings I have held up bottles of coffee-like water from the McCormack ranch and several others, which have not yet been served by such projects as the Southwest Pipeline or the Northwest Area Water System.

Patsy Storhoff's family, for one, has to haul and store water for their household use. At times, they make 1,400 gallons last up to three weeks—what most families tap in just five days. She sometimes tells her kids they have to postpone a bath in order to conserve scarce water because the neighbor who hauls their water won't get to Nome for a couple more days. Although when you pause to think about it, taking a bath in coffee-like water is a liquid oxymoron.

In part because the State would forego 60,000 acres of irrigation in this bill and because we have realized only half of the Garrison Commission's promise of MR&I water for nearly 400,000 North Dakotans, we do provide $300 million for MR&I development across the state. That amount, plus the existing $200 million in authority for MR&I, will roughly match the amount promised by the Commission and the 1986 Act.

So the Dakota Water Resources Act provides $700 million in new authority for water development, of which $200 million is fully repayable. In order to complete this project, however, North Dakota has had to make some major changes. In November of 1997, the delegation introduced the Dakota Water Resources Act as a bill that reflected a consensus of the bi-partisan elected leadership of the state, major cities, four tribal governments, water users, conservation groups, the State Water Coalition, and the Garrison Conservancy District.

In a word, the bill scaled back irrigation from 130,000 to 70,000 acres, provided new resources to complete the major MR&I delivery systems for the four Indian tribes and the state's water supply network, and provided a process for choosing the best way to address Red River Valley water needs. It also made wildlife conservation a project purpose, expanded the Wetlands Trust into a more robust Natural Resources Trust, funded a critical bridge on the Ft. Berthold Reservation and a few priority recreation projects.

Subsequently, the Bureau of Reclamation raised several questions and concerns about the bill which we have addressed in a series of negotiations and discussions over the past months. The revisions mainly address reducing costs, meeting tough environmental standards, strengthening compliance with an international border agreement, and reaffirming the role of the Secretary of the Interior in decision-making. The bi-partisan elected leaders embraced those changes and have agreed to re-introduce the Dakota Water Resources Act with the same language as the substitute amendment (No. 3112) which I offered with Senator CONRAD last year.

Mr. President, permit me to outline the specific provisions in the new version of the bill:

1. Retain the cost share of 25% for MR&I projects, along with a credit for cost share contributions exceeding that amount. This, in place of a 15% cost share.

2. Reimburse the federal government for the share of the capacity of the main stem delivery features which are used by the state. This, instead of writing off these features.

3. Index MR&I and Red River features only from the date of enactment, not since 1986.

4. Expressly bar any irrigation in the Hudson's Bay Basin.

5. Give the Secretary of the Interior the authority to select the Red River Valley Water Supply feature and to determine the feasibility of any newly authorized irrigation areas in the scaled-back package.

6. Extend the Environmental Impact Studies period and firm up Boundary Waters Treaty measures.

Taken together with prior provisions, these changes achieve four purposes. First, they reduce costs by limiting indexing; by defining specific State responsibility for repayment of existing features instead of blanket debt forgiveness; by de-authorizing such major irrigation features as the Lonetree Dam and Reservoir, James River Feeder Canal and Sykeston Canal; and by retaining current law with respect to MR&I cost-sharing and repayment for Red River supply features.

Second, the changes affirm the decision making authority of the Secretary of the Interior on key issues. The Secretary consults with the State of North Dakota on the plan to meet the water needs of the Red River Valley but he makes the final selection of the plan that works best. The Secretary also negotiates cooperative agreements with the State on other aspects of the project. These arrangements protect the Federal interest while assuring that North Dakota is a partner in a project so closely linked to its destiny.

Third, the bill forthrightly addresses concerns of Canada. The U.S. and Canada have a mutual responsibility to abide by the Boundary Waters Treaty and other environmental conventions. The Dakota Water Resources Act states in the purpose that the United States must comply strictly with the Treaty. It further bars any irrigation in the Hudson's Bay drainage with water diverted from the Missouri River, thus limiting biota transfer between basins. Again, the Secretary of Interior chooses the Red River Valley water supply plan, but if that choice entails diversion of Missouri River water, then it must be fully treated with state-of-the-art purification and screening to prevent biota transfer. And as noted before, the bill de-authorizes the Lonetree features to which Canada previously had objected.

Fourth, the revised bill strengthens environmental protection and does so by incorporating the specific recommendations of North Dakota wildlife and conservation groups. It lengthens the periods for completing Environmental Impact Statements. It also protects the Sheyenne Lake National Wildlife Refuge. Moreover, it preserves the role of the Secretary of the Interior on compliance matters and drops the provision that called for a study of bank stabilization on the Missouri River.

In other words, these measures improve even more the proposals in the 1985 Garrison Commission Report on how to meet North Dakota's contemporary water needs. This sounds reasonable, but how does it stack up against the fiscal and environmental challenges of 1999?

Irrespective of the Federal commitment to North Dakota, the State has not even received a proportional share of Bureau of Reclamation funds. Although my state includes six percent of the population in western states, it has received only two percent of Bureau funding.

Next, most Bureau projects were awarded to augment water development and economic growth, not to compensate states for losses suffered from the construction of flood control projects by the Corps of Engineers. So just on the equities, North Dakota has a fair claim to complete Garrison project.

The revised bill will also save the American taxpayer $500 million—when compared to the cost of completing the current project. Moreover, of the $770 million in new authority in the revised bill, North Dakota will repay $345 million—almost half. There is no blanket debt retirement because North Dakota will pay for all facilities it uses.

Moreover, this bill is not just about costs, though reduced and restrained, but about investments. The Dakota Water Resources Act underpins North Dakota's entire effort to stop the outmigration of its young people, the dwindling of family farms, and the decimation of rural communities. It is a charter for rural renewal and economic growth that will help family farms keep the yard lights burning and small towns keep their shop signs glowing.

Finally, this bill is environmentally sound. It does not destroy wetlands, it preserves them. It preserves grasslands and riparian habitat, too. It was not dreamed up by a water development group. It was drafted with the input of tribal and community leaders, local and national environmental groups,

the bipartisan leadership of the state, and the Bureau of Reclamation and Office of Management and Budget. It reflects a balanced approach to water resource development that applies the principles of conservation while offering the hope of economic development.

Ultimately, this bill practices the policy of being a good neighbor that is the hallmark of our state. The Government of Canada approved the 1986 Garrison Act. This bill provides even more protection for Canadian interests. So while we can't appease the political agendas of certain folks in Canada, we can sure keep faith with the Boundary Waters Treaty. And we do.

In conclusion, the Dakota Water Resources Act of 1999 will guarantee that this project meets the tests of fiscal responsibility, environmental protection, and treaty compliance. It will do so while also addressing the critical water development needs of North Dakota and fulfilling the Federal obligation for water development for the communities and tribes of our State. Accordingly, I urge that my colleagues support the Dakota Water Resources Act of 1999.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 624. A bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

FORT PECK RURAL WATER SYSTEM

Mr. BURNS. Mr. President, I rise today to introduce a piece of legislation that is vitally important for the Northeast corner of my great state of Montana. As you are aware, water is the most valuable commodity in the West. Unfortunately, in many parts of the West the water available is unsafe to use. This is the case on the Fort Peck Reservation and in the surrounding communities.

These communities are currently dependent on water sources that are either unreliable or contaminated. In some areas the ground water is in short supply, in others high levels of nitrates, sulfates, manganese, iron, dissolved solids and other contaminates ensure that the water is not only unusable for human consumption, but even unusable for livestock. Quite simply, the water is not safe.

Safe drinking water is a necessity in all communities, however, these communities have a very unique set of needs that underscore the importance of clean water. This legislation would ensure the Assiniboine and Sioux people of the Fort Peck Reservation a safe and reliable water supply system. One of the largest reservations in the nation, the Fort Peck Reservation is located in Northeastern Montana and is the home of more than 10,000 people. In addition to a 75 percent unemployment rate, the residents suffer from unusually high incidents of heart disease, high blood pressure and diabetes.

These health problems are magnified by the poor drinking water currently available on the reservation. In one community, the sulfate levels in the water are four times the standard for safe drinking water. In four other communities, the iron levels are five times the standard. Some families have even been forced to abandon their homes as a result of the substandard water quality.

In many cases, residents of the reservation purchased bottled water to avoid illness. While this isn't a big deal to those who can afford it, we are dealing with an area living in extreme poverty. To add insult to injury, one of the largest man made reservoirs in the United States is right down the road. Why must we continue to ask the residents of these communities to place their health at risk when a clean, safe, stable source of water is readily available?

The economic health of the region is also affected by the poor water supply. In fact, a major constraint on the growth of the livestock industry around Fort Peck has been the lack of an adequate watering sites for cattle. Only an adequate water system will solve this problem, and hopefully serve to spur economic activity on the reservation. Recently the administration designated this area as an ''Empowerment Zone.'' The purpose of this designation is to help the tribal government enhance the economic and social well-being of the area's residents. What better foundation can we provide than a safe and reliable water infrastructure. This region's aspirations towards being healthy, both economically and physically, will continue to be stifled until we reach out a helping hand and work towards providing a safe water system.

This legislation, which has the support of Fort Peck residents and the endorsement of the Tribal Council of the Assiniboine and Sioux Tribes, would authorize a reservation-wide municipal, rural and industrial water system for the Fort Peck Reservation. A safe and reliable source of water would improve the health status of the residents and increase the region's attractiveness for economic development.

As the future water needs of the Fort Peck Reservation expand, I believe that it is only right that we take action now. The people of the Fort Peck Reservation and the State of Montana are making a simple request—clean, safe drinking water.

Thank you Mr. President.

FORT PECK RESERVATION RURAL WATER SYSTEM ACT OF 1999

● Mr. BAUCUS. Mr. President, I rise today with my colleague, Senator BURNS, to introduce the ''Fort Peck Reservation Rural Water System Act of 1999.'' This bill, which is broadly supported, will ensure the Assiniboine and Sioux people of the Fort Peck Reservation, as well as the surrounding communities in my great state of Montana, something that each and everyone one of us in this body take for granted everyday—a safe and reliable water supply.

This legislation authorizes a municipal, rural and industrial water system for the Fort Peck Reservation and the surrounding communities off the Reservation who compose the Dry Prairie Water Association. Using a small amount of water from the Missouri River, this project will benefit the entire region of Northeast Montana. This legislation has the support of the State of Montana, the residents of the Fort Peck Reservation, the Tribal Council of the Assiniboine and Sioux Tribes, and all of the towns and communities surrounding the Reservation.

I am proud to sponsor this legislation because it represents the coming together of people who have traditionally been divided on many issues. The need for water has surfaced a tremendous show of friendship and trust in Northeast Montana. This project has given the Fort Peck Assiniboine and Sioux Tribes and the off-Reservation public common ground to work towards and provided the trust needed for rural communities to grow and prosper. The need for water exists not only for drinking, but also for agricultural, municipal, and industrial purposes.

Together, the people in this region are plagued with major drinking water problems. The Reservation and surrounding communities are clearly in desperate need of a safe and good source of drinking water. In one community, the sulfate levels in the water are four times the standard for safe drinking water. In four of the communities, iron levels are five times the standard. Sadly, some residents have been forced to abandon their homes and their farms because their only source of water has been polluted with brine from oil production.

In all of the communities throughout the Reservation, groundwater exceeds the standards for total dissolved solids, iron, sulfates, and nitrates. In some instances, more lethal minerals such as selenium, manganese, and fluorine are found in high concentrations.

In the area north of Culbertson, nitrate levels are too high to safely use ground water. Along the Eastern borders, from Froid to Plentywood, the high manganese, iron and total dissolved solids, make treating the water very expensive. In the Northeast, near Westby, there is oil field contamination from seismographing and salt water injection methods.

In the middle of the service area, near Flaxville, nitrates and sulfates exceed safe drinking water standards also. Finally, in the west, in the St. Marie area, ground water is so hard and in such short supply that it is unusable. In addition, several local water